

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, March 3, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following members were present for all or part of the meeting:

Nancy Finley Barbour
Laurie Buchwald
Elizabeth G. Cake
Julie Clifford
James Demmel, Vice Chair
Walter Fore
Maxime A. Frias, Chair
Ronald Lushbaugh
William Alfred Tucker

No Board members were absent from the meeting.

The following staff were present for all or part of the meeting:

Jay W. DeBoer, Director
Saba L. Shami, Chief Deputy
Mark N. Courtney, Deputy Director for Licensing and Regulation
Eric Olson, Executive Director
Adrienne Mayo, Board Administrator
Trisha Henshaw, Licensing and Education Director
Steven P. Jack, Assistant Attorney General
Judy Spiller, Executive Secretary

Chair Frias welcomed all and called the meeting to order at 10:05 a.m., noting that a quorum was present, and introduced himself as Chair.

Call to Order

Mr. Fore moved to approve the agenda as presented. Ms. Cake seconded the motion, which was unanimously approved by members: Barbour, Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker.

Agenda
Approval

Mr. Tucker moved to approve the November 19, 2007, minutes as presented. Mr. Fore seconded the motion, which was unanimously approved by members: Barbour, Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker.

Approval of
Minutes

There was no public comment.

Public
Comment

Director DeBoer welcomed everyone to the meeting and explained this was a time of transition for the Department. He introduced Saba L. Shami as the new Chief Deputy, replacing David Ashe in January. The Board was told that Mr. Ashe had resigned and to go into private legal practice.

Jay W. DeBoer,
Director's
Report:
Introduction of
Chief Deputy

Deputy Director Karen O'Neal retired officially on February 29, 2008, and was replaced by Mark Courtney as the new Deputy Director for Licensing and Regulation. Due to a hiring freeze for all state agencies, a replacement for Mr. Courtney as the Executive Director of the APELSCIDLA Board has not been secured.

Karen O'Neal
replaced by
Mark Courtney

The Department is also abiding by the travel restriction even though it is not a non-general fund agency, in addition to the hiring restrictions.

Travel
Restrictions

Director DeBoer announced the birth of Alexander Broz Vaughan to Mary Broz-Vaughan, Communications, Legislation, and Consumer Education Director. Alex was born on February 25, 2008, and weighed 5 lb., 13 oz.

Mary Broz-
Vaughan –
Birth

Director DeBoer said he was not going to give a Legislative Report until the June meeting; however, he wanted the Board to be aware that the Common Interest Communities Board will be a new board at the Department, which will have jurisdiction over condos, cooperatives, and property owners management companies. This new board will be composed of 11 members: a developer, an attorney, an accountant, three citizen members, and other members from the property management community.

Creation of the
Common
Interest
Communities
Board

Director DeBoer announced that, thanks to Ms. Buchwald's recommendation, the Department was able to purchase "green" coffee/hot drink cups for use by all boards.

"Green" Cups

Deputy Director Courtney reported on the *Staff Recommendation on Request for Regulation of "Certified Plumbing Designers (CPD)*. A request was made at the November 19, 2007, meeting of the Board for Professional and Occupational Regulation, by the *Coalition for Regulation of Plumbing Design* to expand DPOR regulations to include a classification for "Certified Plumbing Designers" (CPD). After careful analysis, staff recommends such a classification is not warranted.

Agency Reports:
Mark Courtney
Staff Recom-
mendation
Regarding
Regulation of
Certified
Plumbing
Designers

In conclusion, based on the information provided, the statutory requirements required for regulation of a profession or occupation do not appear to be satisfied to warrant the creation of a regulatory program. The more appropriate venue for this request appears to be for the *Coalition for Regulation of Plumbing Design* to contact NCEES to determine the criteria that must be satisfied before it (NCEES) will agree to develop an examination in a new discipline.

Mr. Fore moved to accept the Staff Recommendation on Request for Regulation of "Certified Plumbing Designers (CPD)." Vice-Chair Demmel seconded the motion. There was a brief discussion and the motion was approved unanimously by members: Barbour, Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker.

Ms. Henshaw was introduced, along with Board for Contractors Executive Director Eric Olson and Adrienne Mayo, Board Administrator.

Ms. Henshaw continued in the Board Academy series with an interesting presentation on the history and development of the Board for Contractors, the largest board at the Department with over 107,000 regulants. This board was created in 1938 and has 13 members. There are a number of different licensing classes, certifications, and specialties. Continuing education was instituted for renewals after December 13, 2007, for tradesman. In 1980, the General Assembly established a Transaction Recovery Fund for home owners as a protection to the consumer. This fund is administered by the Board for Contractors.

Deputy Director Courtney introduced a letter on behalf of the Virginia Department for the Deaf and Hard of Hearing (VDDHH) Advisory Board regarding the potential regulation of Sign Language Interpreters and Translators in Virginia. Sign language interpreters provide a vital communication link for persons who are deaf in many arenas, from business transactions to serious medical situations and legal proceedings. The VDDHH Advisory Board requests that the Board for Professional and Occupational Regulation study the profession of sign language for possible regulation.

Vice-Chair Demmel moved to have the Board conduct a study of Sign Language Interpreters and Translators. Mr. Fore seconded the motion, which was unanimously approved by members: Barbour, Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker.

Mr. Frias asked the Board to prepare a Resolution thanking Deputy Director Karen O'Neal for her lengthy service to the Department and the Commonwealth of Virginia. Vice-Chair Demmel made a motion to have a Resolution adopted to thank Ms. O'Neal for her service to the Department and the Commonwealth. Mr. Fore seconded the motion, which was unanimously approved by members: Barbour, Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker.

Board members were asked to display their parking passes when parked in the Perimeter Center lot.

Mr. Fore moved to adjourn. Mr. Tucker seconded the motion. The motion was unanimously approved by members: Barbour, Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker. The meeting adjourned at

Board
Academies:
Board for
Contractors –
Trisha Henshaw
Licensing and
Regulation
Director

Mark Courtney
Request for
Virginia Dept.
for the Deaf and
Hard of Hearing

Other Business:

Parking Tags

Adjournment

11:00 a.m.

Maxime Frias, Chair

Jay W. DeBoer, Director

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